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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,903	02/09/2001	James K. Hawley	M 6678 HAMC	3930

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EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,903

Applicant(s)

HAWLEY, JAMES K.

Examiner

Khoa Tran

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on August 22, 2002 have been approved.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the upwardly extending ridges are straight and parallel to each other" in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan in view of Bustos ('288). Tan discloses an anti-skid liner comprising a sufficiently soft and flexible first polymeric resin base(18) that renders the liner non-curling; a plurality of extended ridges (14) extended downwardly from the bottom surface of the first resin; a second polymeric resin of upwardly extended ridges (20) disposed on top of the first polymeric resin base; the second polymeric resin is abrasive and it has material that is harder than the first polymeric resin. See Figures 1-

Art Unit: 3634

3 and column 3, lines 1-6. Bustos ('288) teaches the second polymeric resin of upwardly extending ridges (8) have a lower friction than the first second polymeric resin. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the base of Tan with the provision of a low friction second polymeric resin that has triangular extending ridges as taught by Bustos ('288) in order to have the items that are supported on the second polymeric resin to be slidable. With respect to claims 8-10, and 12, it would have been an obvious matter of engineering design choice at the time of the invention was made to choose the type plastics and the degree of hardness of the plastic for a particular application because it is well-within the level of skill in the art to utilize the various of the well-know per se and readily available type of plastics that yield the desire softness and hardness for the known features of it properties of the art for the purpose for which they are known thus producing no new matters.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tan in view of Bustos ('288) as applied to claims 1, 2, 4, and 8-12 above, and further in view of Doshi. Doshi teaches an undulating base (32). See Figure 3. It would have been an obvious matter of design choice to one of ordinary skill to modify the base of Tan to be undulated as taught by Doshi in order to enable to place the liner over an undulating surface.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan in view of Bustos ('288) as applied to claims 1, 2, 4, and 8-12 above, and further in view of Shoemaker et al. Tan does not teach the bottom extending ridges locate

directly underneath the top upwardly extending ridges. However, Shoemaker et al. teach a plurality the flat and rounded bottom extending ridges (17) located directly underneath the top upwardly extending ridges (13). See Figure 4. It would have been obvious to one of ordinary skill in the art to arrange the bottom extending ridges to be located directly underneath the top upwardly extending ridges as taught by Shoemaker et al. in order to maximize the bottom to be non-skid.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tan in view of Bustos ('288) as applied to claims 1, 2, 4, and 8-12 above, and further in view of Reid. Reid teaches the upwardly extending ridges (24) are straight and parallel. See Figure 3. It would have been an obvious matter of design choice to one of ordinary skill in the art to substitute the upwardly extending ridges of Tan with the upwardly extending ridges that are straight and parallel as taught by Reid in order to take play in the application thus producing no unexpected results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiragami et al. Middleton, Taylor, and Fujii et al. are cited to show devices having similar configurations of design.

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437.

Art Unit: 3634

The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicant is hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the
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Fax No. _____ On _____

(Date)

Art Unit: 3634


Type or printed name of person signing this certificate:

(Signature)

Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran

March 9, 2003


ROBERT W. GIBSON, JR.
PRIMARY EXAMINER
ART UNIT 3634